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Group Art Unit: 1744

Amendments to the Drawings

Please amend the drawings as follows:

The attached sheets of drawings include changes to FIGS. 1, 2, 3, 4, 17, and 26. These sheets replace the original sheets including FIGS. 1-4, 17 and 26.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

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REMARKS

By the present amendment, the specification and drawings have been amended to overcome the objections raised by the Examiner in the Office Action. The Examiner's thorough review of the specification and drawings is appreciated. With respect to the Examiner's objections with respect to numerals 217, 214, 221, and 38 as appearing in paragraph 8 of the Office Action, the numerals 217, 214, and 221 are found in FIG. 3 and number 38 is found in FIG. 2. Further, with respect to the Examiner's objection with respect to page 17, paragraph 92 "through an 314," the passage in the specification reads "through an opening 314".

In view of the amendments to the specification and the drawings, it is submitted that all of the Examiner's objections have been met.

Election/Restrictions

Restriction has been required between claims 1-18 (Group 1), claims 19-22 (Group 2), and claim 23 (Group 3). This restriction requirement is respectfully traversed.

Applicants believe that the claims of at least Groups 1 and 3 should be examined together because both groups of claims are drawn to a portable fluid extraction cleaner in that both claims require a housing forming handle at an upper portion for carrying the extraction cleaner. Thus, both sets of claims relate to a hand held surface cleaning machine. Further, both sets of claims include a lamp assembly mounted to a front portion of an air liquid separator. Claim 23 has been amended to substitute "an air-liquid separator" for "a recovery tank". Thus, this claim as amended has most of the elements of claim 18 which is part of Group 1. It is believed that it would not be burdensome for claim 23 to be examined with the Group 1 claims because the subject matter of these two sets of claims are so closely related that a search of Group 1 claims would necessarily include any references relating to claim 23. Reconsideration of the restriction requirement is respectfully requested.

Applicants reaffirm the election of claims 1-18, with traverse.

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Claim Rejections – 35 U.S.C. § 112

Claims 1-18 have been rejected under 35 U.S.C. § 112 as being indefinite. This rejection is respectfully traversed. The Examiner's suggestions with respect to amending the claims has been made although Applicant believes the article "the" is equally proper as the article "a" in the preamble to each of claims 2-18.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3-5, and 7 have been rejected under 35 U.S.C. § 102(e) as being anticipated by the Reed, Jr. U.S. Patent No. 6,658,693. This rejection is respectfully traversed. The Reed, Jr. '693 patent discloses a hand held deep cleaner that has a housing that removably mounts a recovery tank that carries a turbine-driven brush. The turbine as well as the brush are carried by a recovery tank which includes an air water separator. The recovery tank with the brush and turbine are removably mounted on the housing which mounts a vacuum motor and a solution tank.

Whereas the Reed, Jr. '693 patent discloses many of the same features of claims 1, 3-5, and 7, it does not disclose a motor carried by the *housing* and operably connected to the agitator. The Reed, Jr. '693 agitator is driven by a turbine brush which is carried by the recovery tank and not by the housing. The recovery tank is removably mounted to the housing.

Claims 3-5 and 7 depend from claim 1 and distinguish over the Reed, Jr. '693 patent in the same fashion as claim 1, namely that Reed, Jr. '693 patent does not disclose a motor carried by a housing which drives an agitator brush.

It is therefore submitted that claims 1, 3-5, and 7 are not anticipated by the Reed, Jr. '693 patent.

Claim Rejections - 35 U.S.C. § 103

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being obvious over the Reed, Jr. '693 patent. This rejection is respectfully traversed. Claim 17 depends from claim 1 and defines over the Reed, Jr. '693 patent in the same fashion as claim 1 as set forth above.

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Further, claim 17 distinguishes over the Reed, Jr. '693 patent in calling for a recovery tank comprising a visual indicia to indicate a maximum capacity of recovered liquid and debris. This concept is not disclosed or suggested in the Reed, Jr. '693 patent.

Enclosed herewith is a copy of a Recorded Assignment assigning all rights in the above-identified patent application to BISSELL Homecare, Inc. As the Examiner will appreciate, the Reed, Jr. '693 patent is also assigned to BISSELL Homecare, Inc. Applicants affirm that each of the inventors named in the above identified application were employees of BISSELL Homecare, Inc. and obligated to assign their rights in the subject matter of the claims in this application at the time the subject matter of the claims of this application was invented. Thus, it is believed that rejection of claim 17 over the Reed, Jr. '693 patent under 35 U.S.C. § 103(a) is inappropriate.

Further, claim 18 has been rejected under 35 U.S.C. § 103 as being obvious over Reed, Jr. '693 in view of the Bigley et al. U.S. Patent No. 4,791,700. This rejection is respectfully traversed. The Bigley et al. '700 patent discloses a hand held vacuum with a fresnel lens illuminator wherein the fresnel lens is positioned at the front of the vacuum cleaner.

The combination of the Reed, Jr. '693 patent in view of Bigley '700 is traversed. There is no basis for the alleged combination. There is no teaching as to how the Bigley '700 fresnel lens would be mounted to the Reed, Jr. '693 hand held extraction cleaner.

Even if the alleged combination were to be made, however untenably, it still would not reach Applicants' claimed invention. At best, the combination of Reed, Jr. '693 and Bigley et al. '700 would position the Bigley et al. '700 Fresnel lens on the handle of the Reed, Jr. '693 cleaner. This alleged combination would not meet claim 18.

Claim 18 distinguishes over the alleged combination of Reed, Jr. '693 and Bigley et al. '700 in the same fashion as claim 1 distinguishes over the Reed, Jr. '693 patent as set forth above. Further, claim 18 distinguishes over the alleged combination of Reed, Jr. '693 in view of Bigley et al. '700 as calling for a lamp assembly mounted to a front portion of the air-liquid separator and connected to a source of electrical energy for illuminating the surface to be cleaned. It would not be obvious to mount a lamp on one the air-liquid separators in the Reed, Jr. '693 because the air-liquid separator in the Reed, Jr. '693 patent is removably mounted to the housing.

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It would be difficult to provide electrical energy from the housing to a lamp on the front of a separable air-liquid separator. Because Applicants' air-liquid separator is not removable from the housing, the positioning of an illumination lamp on Applicants' air-liquid separator is feasible.

In view of the foregoing, it would not be obvious to mount the Bigley et al. '700 lamp on the air liquid separator of Reed, Jr. '693.

Further, in view of the common ownership of the Reed, Jr. '693 patent and the subject matter of the claimed invention in the present application at the time the claimed invention was made, the Reed, Jr. '693 patent is not an appropriate reference under 35 U.S.C. § 103(a)

The indication of allowability of claims 2, 6, and 8-16 is acknowledged with thanks and appreciation. However, in view of Applicants' position as to the patentability of claim 1, none of these claims have been written in independent form.

In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

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Annotated Sheet Showing Changes
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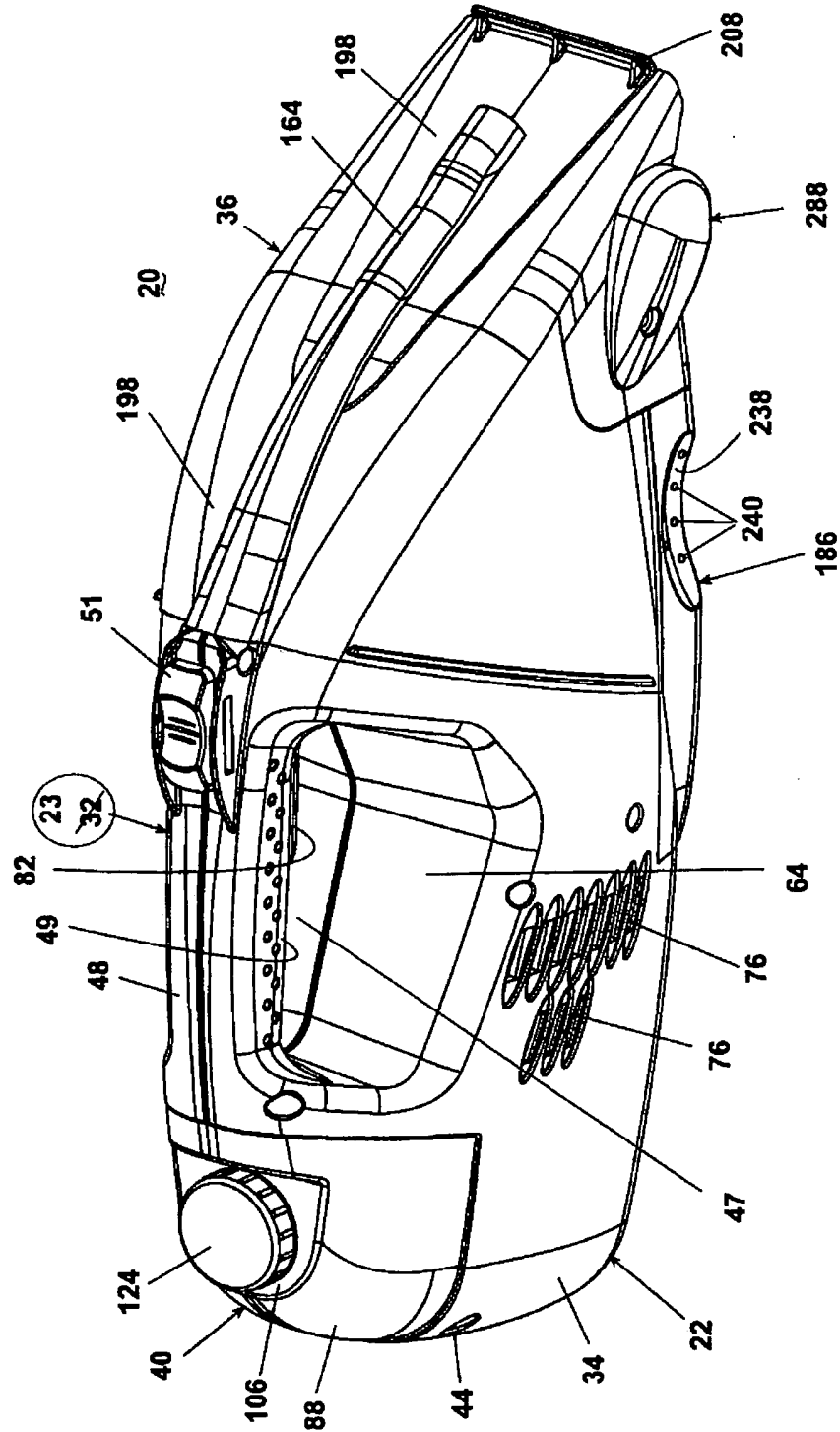


Fig. 1

App1. No. 10/064,752

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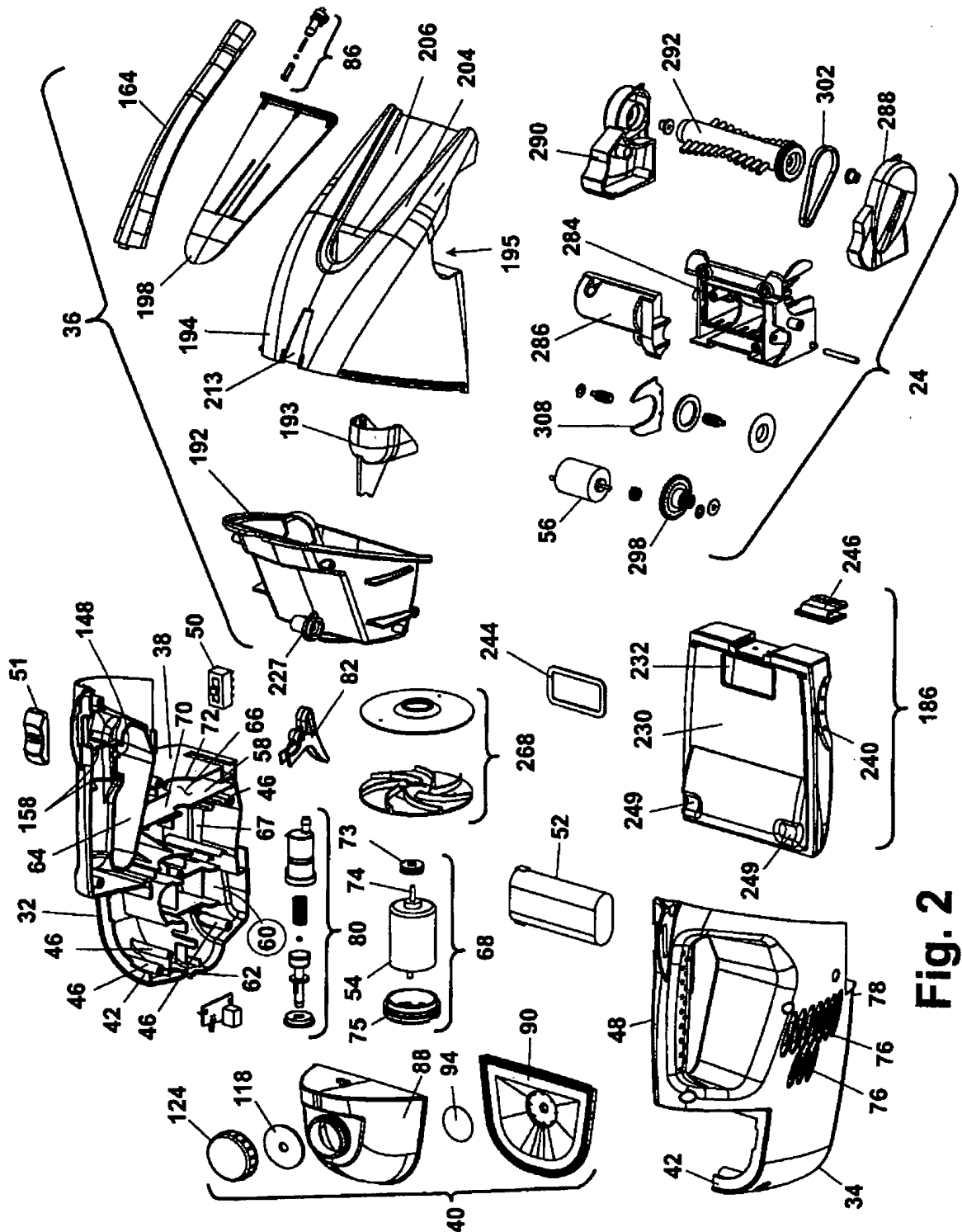


Fig. 2

Annotated Sheet Showing Changes
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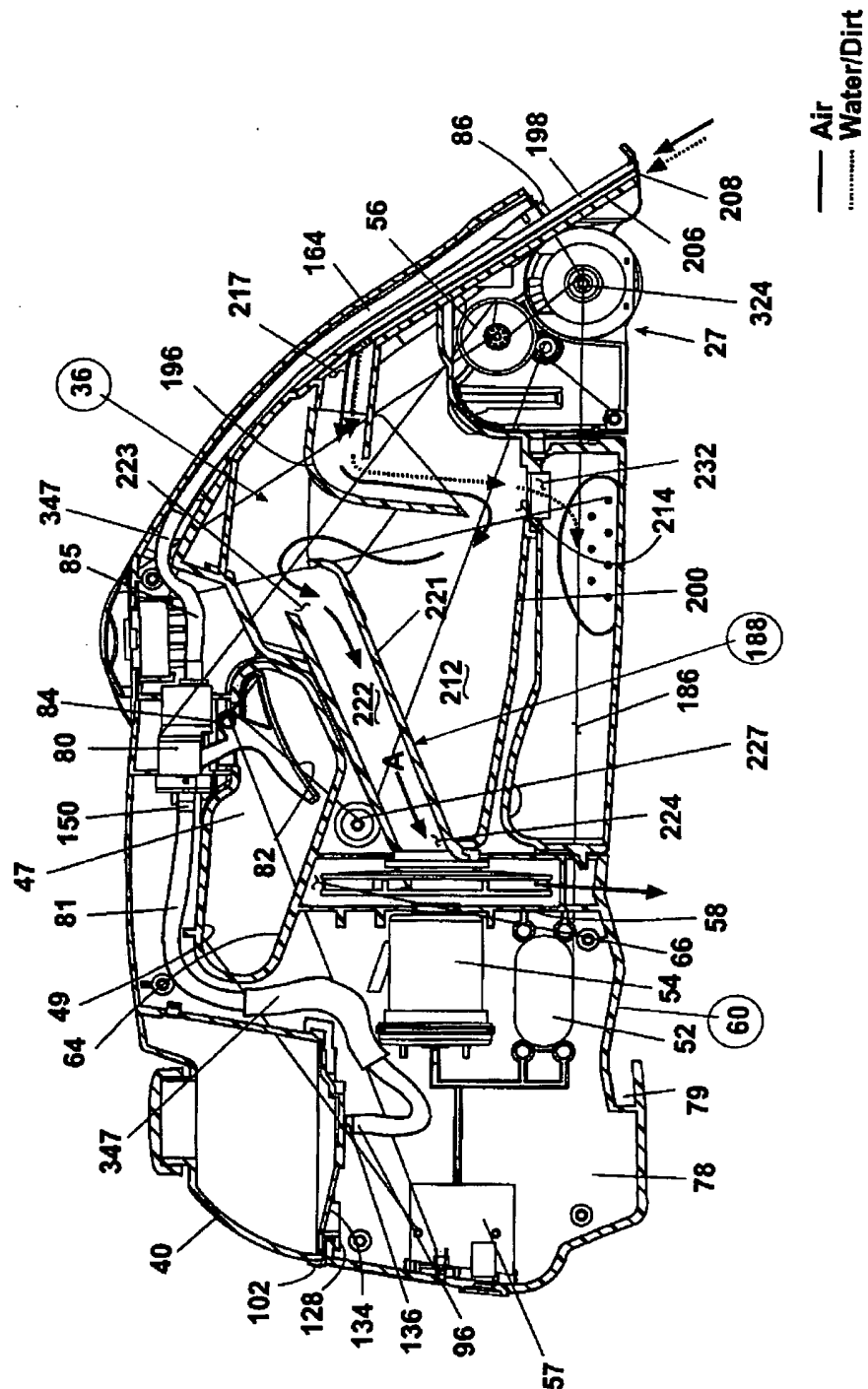


Fig. 3

Annotated Sheet Showing Changes
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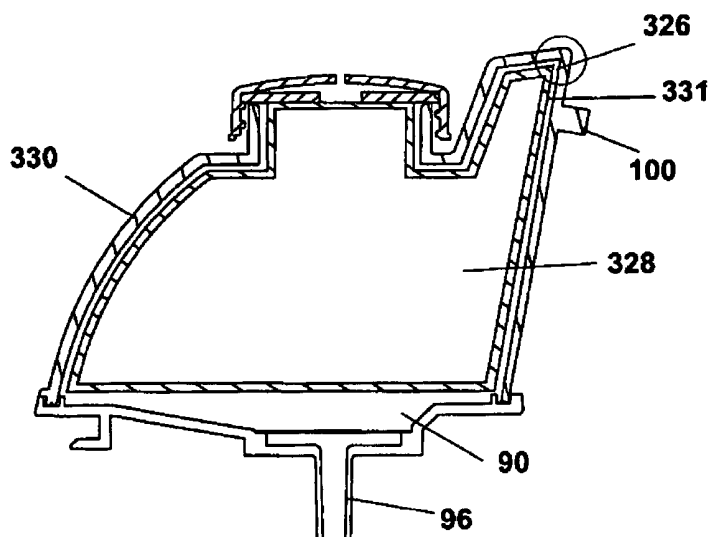


Fig. 17

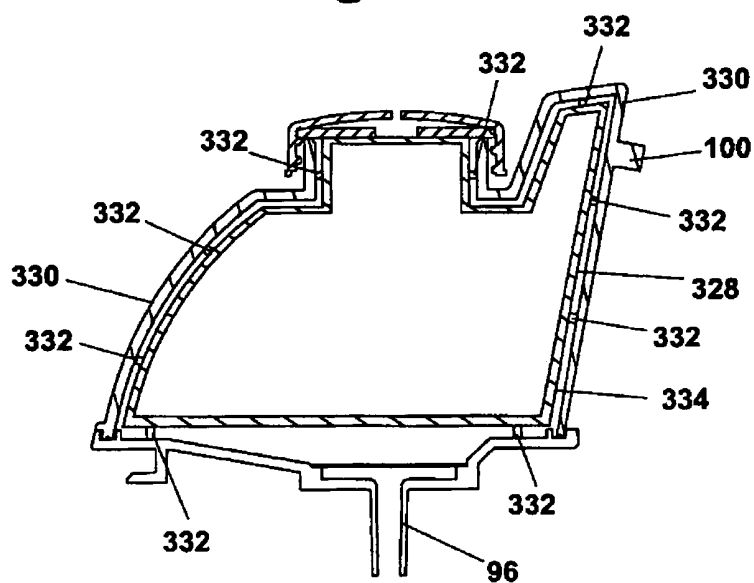


Fig. 18

Annotated Sheet Showing Changes
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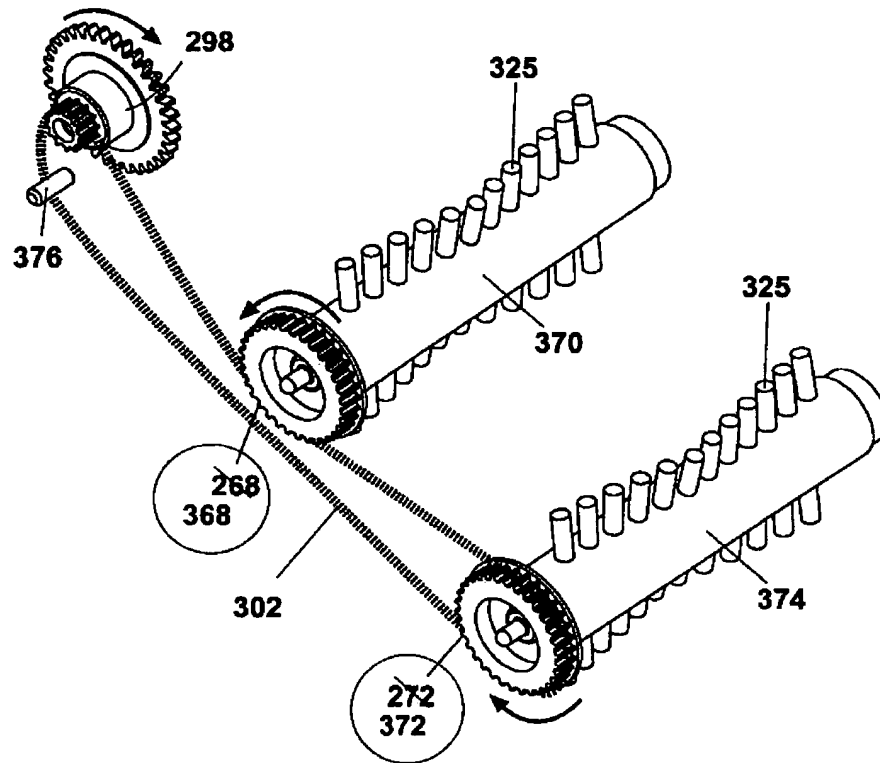


Fig. 26